

REMARKS

Claims 1-2, 4-18, 20-27 and 29 are pending in the present application. By this reply, claims 11 and 22 have been amended and claims 3, 19, 28 and 30 have been cancelled. Claim 1, 11 and 22 are independent.

Entry of Amendment

Independent claims 11 and 22 have been amended to incorporate the features of their dependent claims 19 and 28, respectively. Further, claims 3, 19, 28 and 30 have been cancelled to expedite prosecution. Thus, the present Amendment does not raise new issues that would require further consideration and/or search, and places the application in better form for appeal and in condition for allowance.

Accordingly, entry of this Amendment is deemed proper and respectfully requested.

35 U.S.C. § 102 Rejection

Claims 1, 2, and 4-29 have been rejected under 35 U.S.C. § 102(e) has been anticipated by Kim et al. (USPN 6,806,913). Claims 1, 2, and 4-29 are rejected under 35 U.S.C. § 102(e) has been anticipated by Kim et al. (USPN 6,766,528). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Regarding independent claim 1, the claim recites, *inter alia*, “A bi-directional remote controller comprising: ... means for receiving guidance information provided from an outside in response to the request; and means for notifying the received guidance information” (emphasis added). Other independent claims 11 and 22 recites similar features in a varying scope. For instance, claim 11 recites, *inter alia*, “the requesting means and the notifying means are provided at a remote controller, and the extracting means is provided at a data broadcasting display device remotely controllable by the remote controller” (emphasis added). Claims 22 recites, *inter alia*, “in the step (c), the extracted guidance information is notified on a remote controller used to

remotely control the data broadcasting display device” (emphasis added). These features are clearly absent from both Kim et al. references.

For example, Applicant’s invention according to an embodiment is directed to receiving, by a remote controller 30, guidance information from a digital TV 20, and notifying (e.g., displaying) the guidance information on the remote controller 30, as shown in, e.g., Fig. 3 and paragraphs [50], [67], [68] and [104] of the present specification. In contrast, both Kim et al. references are directed to displaying additional information data on a TV itself and thus, these references do not anticipate Applicant’s claimed invention.

Further, regarding the preamble of claim 1 which is to be given a full weight, the Court of Appeals for the Federal Circuit has stated that whether to treat claim preamble language as a positively recited claim limitation is “resolved only on review of the entirety of the patent to gain an understanding of what the inventors actually invented and intended to encompass by the claim;” *Corning Glass Works v. Sumitomo Electric USA, Inc.*, 9 USPQ2d 1962, 1966 (Fed. Cir. 1989). The Court also stated that “Clear reliance on the preamble during prosecution to distinguish the claimed invention from prior art may indicate that the preamble is a claim limitation because the preamble is used to define the claimed invention.” *Catalina Marketing International v. Coolsavings.com, Inc.*, 62 USPQ2d 1781, 1785 (Fed. Cir. 2002); *Bristol-Meyers Squibb Co. v. Ben Venue Labs., Inc.*, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001).

Therefore, both Kim et al. references do not disclose at least the above noted features of independent claim 1, 11 and 22. Accordingly, claims 1, 11 and 22 and their dependent claims (due to the dependency) are patentable over the applied references. Reconsideration and withdrawal of these rejections based on these reasons are respectfully requested.

35 U.S.C. § 103 Rejection

Claim 30 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim et al. (USPN 6,806,913) in view of the Background of the instant application. This rejection is moot in view of the cancellation of claim 30. Thus, this rejection should be withdrawn.

Conclusion

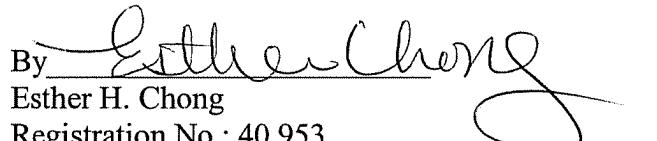
In view of the above remarks, it is believed that all claims are allowable and the application is in condition for allowance. An early issuance of the Notice of Allowance is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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